

**UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA**

IN THE MATTER OF

No. 2691, Disciplinary Docket
No. 3

No. 88 DB 2020

20-mc-00091

STEPHEN DANIEL BRINTON,
PETITIONER.

Attorney Reg. No. 94817

(Reciprocal)

**PETITION IN SUPPORT
OF REINSTATEMENT
PURSUANT TO LOCAL RULE 83.6, VIIA**

Petitioner, Stephen Daniel Brinton, Esq., having been suspended by this Court for a period of three years, with all but the first six months of the suspension to be stayed, now seeks reinstatement to this Court as his six months of unstayed suspension has been served and he has been reinstated to active status in Pennsylvania. In support of this Petition, Mr. Brinton, by his counsel, Ellen C. Brotman, Esquire, respectfully avers the following:

1. Mr. Brinton was admitted to the Bar of the Commonwealth of Pennsylvania on May 10, 2005. He is a former Critical Care Nurse who works for Dalton & Associates, P.A. in Wilmington, Delaware, where he reviews personal injury and medical malpractice cases using his medical expertise. He has no prior record of discipline.

I. The Underlying Criminal Conviction

2. On July 7, 2018, Mr. Brinton went through a red light in Kennett Square, Pennsylvania and struck a going through the intersection.
3. The driver of the other car suffered serious injuries.
4. On January 8, 2019, the Chester County District Attorney's Office filed an Information charging Mr. Brinton with:
 - a. Count 1, DUI - Highest Amount of Alcohol in violation of 75 Pa.C.S.A. § 3802(b), an ungraded misdemeanor;
 - b. Count 1, Driving Under Influence of Alcohol or Controlled Substance General Impairment/Incapable of Driving Safely in violation of 75 Pa.C.S.A. § 3802(a)(1), an ungraded misdemeanor;
 - c. Count 2, Aggravated Assault By Vehicle in violation of 75 Pa.C.S.A. § 3732.1(a), a felony of the third degree;

- d. Counts 3 through 6, Recklessly Endangering Another Person in violation of 18 Pa.C.S.A. § 2705, a misdemeanor in the second degree;
 - e. Count 7, Reckless Driving in violation of 75 Pa.C.S.A. § 3736(a), a summary offense;
 - f. Count 8, Careless Driving in violation of 75 Pa.C.S.A. § 3714(a), a summary offense; and
 - g. Count 9, Traffic Control Signals in violation of 75 Pa.C.S.A. § 3112(a)(3)(i), a traffic violation.
5. The matter was captioned *Commonwealth of Pennsylvania v. Stephen Daniel Brinton*, Criminal Action No. CP-15-CR-0000035-2019, in the Chester County Court of Common Pleas. On August 22, 2019, Mr. Brinton pled guilty to Count 1, Driving Under Influence of Alcohol or Controlled Substance General Impairment/Incapable of Driving Safely in violation of 75 Pa.C.S.A. § 3802(a)(1), an ungraded misdemeanor and Counts 3 and 4, Recklessly Endangering Another Person (REAP) in violation of 18 Pa.C.S.A. § 2705, misdemeanors in the second degree.
6. On August 22, 2019, the Court sentenced Mr. Brinton to eleven

and a half (11) months to twenty-three (23) months imprisonment, to be served concurrent with six (6) months of probation relating to the DUI conviction, and to be followed by twelve (12) months of probation for the REAP convictions, one hundred (100) hours of community service, undergo a CRN and Drug & Alcohol Evaluation and follow all recommendations for treatment, attend and complete the Alcohol Highway Safety School, and write an apology letter to the driver of the Mercedes-Benz.

7. The Court also ordered Mr. Brinton to pay a fine of \$410.00 plus court costs.
8. Mr. Brinton's Pennsylvania driver's license was subject to a six-month probation period.
9. Mr. Brinton underwent the Court-ordered drug and alcohol evaluation and was found not to require further drug and alcohol treatment. See Exhibit A, July 23, 2018, Letter from Lauren Rudolph, LPC.
10. Mr. Brinton was incarcerated in Chester County Prison beginning on August 22, 2019. The Court directed the Warden of Chester County Prison to place Mr. Brinton into the Work Release Program effective September 11, 2019, if Mr. Brinton did not incur any disciplinary infractions during his first three weeks of

incarceration.

11. On September 11, 2019, the Warden of Chester County Prison placed Mr. Brinton into the Work Release Program and moved Mr. Brinton to the Work Release Center.
12. While in the Work Release Program, Mr. Brinton performed his regular tasks for Dalton & Associates, P.A, where he is still employed. See Exhibit B, Letter from Bartholomew J. Dalton, Esq.
13. As a result of COVID-19, on March 13, 2020, Mr. Brinton was paroled early and was on electronic home monitoring with restricted work hours until his release date of June 3, 2020.
14. Mr. Brinton had no prior DUI convictions that were resolved by Accelerated Rehabilitative Disposition (ARD) or otherwise.
15. Mr. Brinton has completed his 100 hours of community service.

II. The Pennsylvania Disciplinary Matter

16. Through undersigned counsel, Mr. Brinton self-reported the guilty plea and conviction to the Office of Chief Disciplinary Counsel in compliance with Pa.Rule of Disciplinary Enforcement 214.
17. Subsequently, Mr. Brinton and the Office of Disciplinary

Counsel executed a Joint Petition for Discipline agreeing to the terms ultimately approved by the Pennsylvania Supreme Court in a July 27, 2020, Order which stated:

The Joint Petition in Support of Discipline on Consent is granted, and Stephen Daniel Brinton is suspended on consent from the Bar of this Commonwealth for a period of three years, with six months to be served. The remaining suspension period is stayed, and he is placed on probation for two years and six months, subject to the following conditions:

1. Respondent shall comply with all of the conditions of his criminal probation as directed by the Chester County Court of Common Pleas and supervised by the Chester County Office of Probation and Parole;
2. Respondent shall provide to the Board the name and contact information of his parole and probation officer and shall immediately report to the Board any changes to this information and/or a transfer to a new parole and probation officer;
3. Respondent shall file with the Board quarterly written reports which, at a minimum, establish his continued compliance with these conditions; and
4. Respondent shall immediately report to the Board any violations of the terms and conditions of this probation. See

Exhibit C, Order of the Pennsylvania Court.

18. Through undersigned counsel, on August 31, 2020, Mr. Brinton reported this Suspension and discipline to this Court. See DKT. # 2.

19. Mr. Brinton fully cooperated with the Pennsylvania Office of

Disciplinary Counsel's investigation and entered into an agreement to accept discipline from the Board. Mr. Brinton also accepted reciprocal discipline from this Court, imposed retroactive to August 26, 2020, by this Court on November 2, 2020.

18. Mr. Brinton's license to practice law was reinstated in Pennsylvania on May 10, 2021, based on Mr. Brinton's sworn verified statement that he had complied with all conditions of his suspension. See Exhibit D, Verification of Compliance; Exhibit E, Order of the Pennsylvania Supreme Court; see also Pa.R.D.E. 218 (g)(1)("Upon the expiration of any term of suspension *not exceeding one year* and upon the filing thereafter by the formerly admitted attorney with the Board of a verified statement showing compliance with all the terms and conditions of the order of suspension ...the Board shall certify such fact to the Supreme Court, which shall immediately enter an order reinstating the formerly admitted attorney to active status, unless such person is subject to another outstanding order of suspension or disbarment.") (Emphasis added.)

20. Mr. Brinton has acknowledged the seriousness of his

misconduct, accepted responsibility and has abided by all the conditions of his probation and parole in both his criminal case and his disciplinary matter.

WHEREFORE, Petitioner Brinton respectfully requests that the Court reinstate him to the bar of the United States District Court for the Eastern, District of Pennsylvania pursuant to Local Rule 83.6, VII A.

Respectfully Submitted,

A handwritten signature in blue ink that reads "Ellen Brotman". The signature is fluid and cursive, with the first name "Ellen" and last name "Brotman" clearly distinguishable.

Ellen C. Brotman, Esq.
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